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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

10 + 12  
Refs.

Application Number	09/864,821
Filing Date	May 23, 2001
First Named Inventor	H. Ralph SNODGRASS
Group Art Unit	1633
Examiner Name	To Be Assigned

Attorney Docket No. 441472000110

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (1 page in duplicate) 12 cited references International Search Report (4 pages) Return receipt postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018 Cara M. Coburn, Reg. No. 46,631
Signature	
Date	February 22, 2002

### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 22, 2002.

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PATENT  
Docket No. 441472000610

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*Martina Placid*  
Martina Placid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

H. Ralph SNODGRASS

Serial No.: 09/864,621

Filing Date: May 23, 2001

For: TOXICITY TYPING USING  
EMBRYOID BODIES

Examiner: To Be Assigned

Group Art Unit: 1633

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents numbered 1-7 listed on the attached Form PTO-1449 were cited in Search Reports mailed on November 21, 2001 (copies attached) directed to related international applications. Please note the cited PCT publication No. WO 97/13877, as well as the cited articles "Exploiting Chemical Libraries, Structure, and Genomics in the Search for Kinase Inhibitors," by N.S. Gray and "Automated Array Technologies for Gene Expression Profiling," by Maier et al. were not included on form 1449 as they were both cited in a previous Information Disclosure Statement submitted for the present Application

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \* is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 441472000110. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

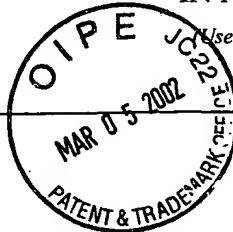
Dated: February 22, 2002

Respectfully submitted,

By: Cara Coburn  
Cara M. Coburn  
Registration No. 46,631

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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 441472000110	Application Number 09/864,621
Applicant	H. Ralph SNODGRASS
Filing Date May 23, 2001	Group Art Unit 1633
Mailing Date February 22, 2002	

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MAR 14 2002

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	11/19/1996	5,576,207	Reid et al.			
	2.	09/22/1998	5,811,297	Gopal			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	3.	03/04/1999	WO 99/10535 A1	WIPO			
	4.	05/14/1999	WO 99/23254 A1	WIPO			
	5.	06/03/1999	WO 99/27090 A1	WIPO			
	6.	09/02/1999	WO 99/44062 A1	WIPO			
	7.	05/25/2000	WO 00/29002 A2,3	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	8.	Flint, O.P. (1998). "Predicting <i>In Vivo</i> Toxicity," <i>Toxicology in Vitro</i> 12:591-595.
	9.	Ling, V. and S. Neben. (1997). "In Vitro Differentiation of Embryonic Stem Cells: Immunophenotypic Analysis of Cultured Embryoid Bodies," <i>J. Cell. Physiology</i> 171:104-115.
	10.	Matsui et al. (1992) "Derivation of Pluripotential Embryonic Stem Cells from Murine Primordial Germ Cells in Culture," <i>Cell</i> 70:841-847.
	11.	Seamark, R.F. (1994). "Progress and Emerging Problems in Livestock Transgenesis: A Summary Perspective," <i>Reprod. Fertil. Dev.</i> 6:653-657.
	12.	Spielmann et al. (1997). "The Embryonic Stem Cell Test, an <i>In Vitro</i> Embryotoxicity Test Using Two Permanent Mouse Cell Lines: 3T3 Fibroblasts and Embryonic Stem Cells," <i>In Vitro Toxicology</i> 10(1):119-127.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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